

JPW  
AFL

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/389,201	
	Filing Date	09/02/1999	
	First Named Inventor	Babka et al.	
	Art Unit	2127	
	Examiner Name	Kenneth Tang	
Total Number of Pages in This Submission	13	Attorney Docket Number	AT9-99-357

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

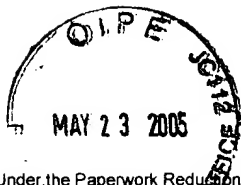
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Winstead Bechrest & Minick P.C.		
Signature			
Printed name	Kelly K. Korozik		
Date	05/19/2005	Reg. No.	36,571

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Toni Stanley	Date	05/19/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





PTO/SB/17 (11-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 10/01/2004. Patent fees are subject to annual revision.

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 500.00**Complete if Known**

Application Number	09/389,201
Filing Date	09/02/1999
First Named Inventor	Babka et al.
Examiner Name	Kenneth Tang
Art Unit	2127
Attorney Docket No.	AT9-99-357

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order☒ Deposit Account ☐ NoneDeposit  
Account  
Number  
Deposit  
Account  
Name

09-0447

IBM Corporation

The Director is hereby authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below
- ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
- ☒ Credit any overpayments

to the above-identified deposit account.

☐ Other (please identify):**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING FEE**

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
Utility Filing Fee	790	395	
Design Filing Fee	350	175	
Plant Filing Fee	550	275	
Reissue Filing Fee	790	395	
Provisional Filing Fee	160	80	

**Subtotal (1) \$****FEE CALCULATION** (continued)**2. EXTRA CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20	50	25
Each independent claim over 3	200	100
Multiple dependent claims	360	180
For Reissues, each claim over 20 and more than in the original patent	50	25
For Reissues, each independent claim more than in the original patent	200	100

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	
HP = highest number of total claims paid for, if greater than 20			

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	
HP = highest number of independent claims paid for, if greater than 3			

Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)

**Subtotal (2) \$****3. OTHER FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
1-month extension of time	120	60	
2-month extension of time	450	225	
3-month extension of time	1,020	510	
4-month extension of time	1,590	795	
5-month extension of time	2,160	1,080	
Information disclosure stmt. fee	180	180	
37 CFR 1.17(q) processing fee	50	50	
Non-English specification	130	130	
Notice of Appeal	500	250	
Filing a brief in support of appeal	500	250	500
Request for oral hearing	1,000	500	
Other:			

**Subtotal (3) \$ 500****SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 36.571	Telephone 512-370-2851
Name (Print/Type) Kelly K. Kordzik		Date 5-19-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



- 1 -

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Babka et al.	:	Kenneth Tang
Serial No.: 09/389,201	:	Group Art Unit: 2127
Filed: September 2, 1999	:	
	:	IBM Corp.
	:	Intellectual Property Law
Title: STATUS DISPLAY FOR	:	11400 Burnet Road
PARALLEL ACTIVITIES	:	Austin, Texas 78758

APPEAL BRIEF

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

---

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence (along with any item referred to as being attached hereto) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 19, 2005.

05/24/2005 MAHMED1 00000022 090447 09389201

01 FC:1402 500.00 DA

  
Signature

Toni Stanley  
(Printed name of person certifying)

I. REAL PARTY-IN-INTEREST

The real party-in-interest is International Business Machines Corporation, who is the assignee of the entire right and interest in the present Application.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to Appellants, the Appellants' legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-3 and 9-21 are pending in the Application. Claims 1-3 and 9-21 stand rejected.

IV. STATUS OF AMENDMENTS

No amendments were made to the claims subsequent to the final rejection having a mailing date of January 24, 2005.

V. SUMMARY OF THE INVENTION

The present invention implements an ordered list with three methods of access: insertion at the top, removal from anywhere, and read (not removal) of the top item. The items kept on this list are the status codes or words for the activities that are currently in progress. When a new activity begins, its status code or word is inserted at the top of the list. Whenever an activity completes, its code or word is removed from the list regardless of its location in the list, and in such a way as to preserve the order of the remaining entries in the list. Whenever the top entry in the list changes (whether through an

insertion or removal), the single status display is updated to show the new top value.  
[Page 3, lines 8-16]

The effect of this is that every newly-started activity will have its status code or word displayed for at least a short time, which gives the observer a sense of the progress of the activities. The code displayed will always be for the latest-started activity that has not yet completed. If any activity is never going to complete, eventually all the other activities will complete, and their status codes or words will be removed from the list. This leaves only the "hung" activity's code on the list, and since it is the only entry, it will be the one displayed. Thus, the observer will know which activity failed to complete.  
[Page 3, line 17 - page 4, line 2]

FIGURE 4 illustrates that on the chassis of system 213 (See Figure 2), a status display 401, which may be an LCD or LED display, is used to display the status of an activity operating within the system 213. [Page 8, lines 19-21]

The status display is used to show the status of the AIX boot processes, including the configuration manager. As the configuration manager discovers devices that are attached to the system, it invokes configuration methods (the "activities" described above) to configure each device. Currently, AIX displays a unique three-digit code for each method when it begins. When a method completes, AIX invokes the next such method, displaying a new code. [Page 8, line 22 - page 9, line 4]

When the configuration method is run, the display identifies the type of device that is presently being configured. If there is any faulty hardware, such faulty hardware could cause the boot process to stop prematurely (i.e. "hang"). The display gives a clue as to where the problem resides. Since the present version of the AIX now runs the configuration methods in parallel, without the present invention, the display of the "hung" method might not occur. [Page 9, lines 5-10]

The software implementing the present invention is represented by the flow diagram illustrated in FIGURE 3. In step 301, the configuration method is begun. In step 302, a determination is made whether a new activity has started, such as the

configuration of a new device. If yes, the process proceeds to step 303 to display the identity of the new activity, and the process loops back to step 302. The NO branch from step 302 proceeds to step 304 to determine if any activity has completed. If not, the process loops back to step 302. However, if in step 304, an activity has completed, then in step 305, that activity is removed from the list of activities to be displayed on the status display 401. Therefore, in step 306, a determination is made whether the removed activity is currently being displayed. If not, the process loops back to step 302. However, if in step 306 the removed activity is being displayed, the process proceeds to step 307 to display the activity previously displayed. The process then returns to step 304. [Page 10, line 12 - page 11, line 2]

## VI. ISSUES

1. Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

2. Claims 1-2, 9-10, 12-14, 16 and 17-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Singh* (U.S. Patent No. 6,389,447).

3. Claims 3, 11 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Singh* in view of *Hughes et al.* (U.S. Patent No. 5,109,484).

## VII. ARGUMENTS

1. The Examiner has rejected claim 21 under 35 U.S.C. § 112, second paragraph, asserting that "activity to be removed is currently displayed" in line 10 is indefinite. Applicants respectfully disagree with this rejection and traverse. A claim is indefinite when the scope of the claim is not determinable. That is not the case here, since it is clear from the claim language that an identity of an activity is what is actually displayed. Therefore, even though line 9 recites a determination if the activity removed

from the list is currently displayed does not specifically refer to the display of the identity of such a removed activity, from a reading of the overall claim, this is still easily understood as being the case. Therefore, the claim language of claim 21, along with the supporting description in the Specification, makes it clear what is the scope of claim 21.

2. Claims 1-2, 9-10, 12-14, 16 and 17-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Singh* (U.S. Patent No. 6,389,447). In response, Applicants respectfully traverse this rejection. As the Examiner is well aware, for a claim to be anticipated under 35 U.S.C. § 102, each and every element of the claim must be found within the cited prior art reference. With respect to claims 1, 9 and 13, *Singh* does not teach or suggest removing a completed activity from the ordered list when that activity completes. Instead, *Singh* merely discloses that when an application is not used within a predetermined amount of time, it may be closed. (Col. 5, line 61 - col. 6, line 11) In such a case, such an activity will be removed from the list. Removing an activity when it is not being used within a certain amount of time is not the same as that activity completing. *Singh* by its own teachings discloses that these activities have not completed and are still active. (See Col. 3, lines 4-7; col. 6, lines 10-11).

New claims 17-19 and 21 further recite that only the activity at the top of the list is displayed. *Singh* clearly does not disclose this limitation, since it actually displays a plurality of applications currently operating on the system, as shown in Figures 2, 4 and 7.

New claim 20 further recites that completion of an activity is performed automatically, where it is then removed from the ordered list. This is also not taught by *Singh*.

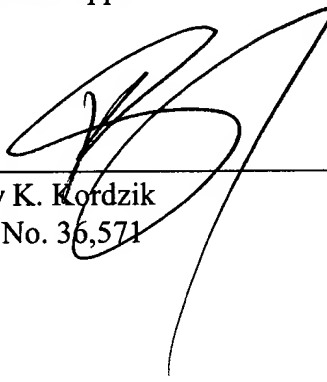
3. Claims 3, 11 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Singh* in view of *Hughes et al.* (U.S. Patent No. 5,109,484). In response, Applicants respectfully traverse this rejection. The Examiner admits that *Singh* fails to teach that the activities are configurations of devices attached to the data processing system. The Examiner attempts to overcome this deficiency by adding

*Hughes* to *Singh*. The Examiner asserts that *Hughes* teaches activities for configuring devices attached to a data processing system with the use of a configuration list. Though *Hughes* pertains to the configuration of devices in a system, there is no suggestion within either of these prior art references to combine them to arrive at the claimed invention. *Singh* pertains to multiple software applications running in a system. One skilled in the art at the time the invention was made would not have looked to combine *Hughes* with *Singh* to arrive at a process whereby the configurations performed within *Hughes* are listed and then as the configurations are completed they are removed from the list. Furthermore, one skilled in the art at the time the invention was made would not have combined these two references in order to arrive at a process whereby a new configuration is placed at the top of the list to be displayed. The Examiner's only motivation to combine these references is his own opinion that the devices in *Singh* would be configured because configuring devices is a necessary procedure before devices are to be used. First, this is the Examiner's own subjective opinion, and is not objective evidence, which is required to support an obviousness combination. Second, as noted above, the list of applications in *Singh* do not pertain to the configuration of these applications. There is no teaching or suggestion within *Singh* that any devices need to be configured, and thus in need of combining with the invention in *Hughes*. *Hughes* further provides no motivation to be combined with *Singh* so that configurations are removed from a displayed list once completed, or moved to the top of a list for display if it is still active.



AT9-99-357

Respectfully submitted,  
WINSTEAD SECHREST & MINICK P.C.  
Attorneys for Appellants

By:   
Kelly K. Kordzik  
Reg. No. 36,571

5400 Renaissance Tower  
1201 Elm Street  
Dallas, Texas 75270  
(512) 370-2808

IN THE CLAIMS

1           1.       A method for tracking activities running in parallel in a data processing  
2 system, comprising the steps of:  
3           maintaining an ordered list of activities running in the system;  
4           whenever a new activity begins, inserting the new activity at a top of the list;  
5           whenever an activity in the ordered list completes, removing the completed  
6 activity from the ordered list; and  
7           displaying the activity that is at the top of the list.

1           2.       The method as recited in claim 1, wherein the displaying step displays a  
2 code pertaining to the latest-started activity that has not completed.

1           3.       The method as recited in claim 1, wherein the activities are configurations  
2 of devices attached to the data processing system.

1           9.       A data processing system comprising:  
2           circuitry for maintaining an ordered list of activities running in the system;  
3           whenever a new activity begins, circuitry for inserting the new activity at a top of  
4 the list;  
5           whenever an activity in the ordered list completes, circuitry for removing the  
6 completed activity from the ordered list; and  
7           circuitry for displaying the activity that is at the top of the list.

1           10.      The system as recited in claim 9, wherein the displaying circuitry displays  
2 a code pertaining to the latest-started activity that has not completed.

1           11.    The system as recited in claim 9, wherein the activities are configurations  
2 of devices attached to the data processing system.

1           12.    The system as recited in claim 9, wherein the displaying circuitry further  
2 comprises:

3                circuitry for determining if an activity that has completed is currently being  
4 displayed; and

5                if the activity that has completed is currently being displayed, circuitry for  
6 displaying an activity that had previously been displayed.

1           13.    A computer program product adaptable for storage on a computer readable  
2 medium, comprising a computer program operable for performing the following steps:

3                maintaining an ordered list of activities running in a data processing system;

4                whenever a new activity begins, inserting the new activity at a top of the list;

5                whenever an activity in the ordered list completes, removing the completed  
6 activity from the ordered list; and

7                displaying the activity that is at the top of the list.

1           14.    The program as recited in claim 13, wherein the displaying step displays a  
2 code pertaining to the latest-started activity that has not completed.

1           15.    The program as recited in claim 13, wherein the activities are  
2 configurations of devices attached to the data processing system.

1           16.    The program as recited in claim 13, wherein the displaying step further  
2 comprises the steps of:

3           determining if an activity that has completed is currently being displayed; and  
4           if the activity that has completed is currently being displayed, displaying an  
5           activity that had previously been displayed.

1           17.     The method as recited in claim 1, wherein only the activity at the top of  
2           the list is displayed.

1           18.     The system as recited in claim 10, wherein only the activity at the top of  
2           the list is displayed.

1           19.     The program as recited in claim 14, wherein only the activity at the top of  
2           the list is displayed.

1           20.     A method for tracking activities on a single entry display device running  
2           in parallel in a data processing system, comprising the steps of:

3           maintaining an ordered list of activities automatically running in the system;  
4           whenever a new activity begins, inserting the new activity at the top of the list;  
5           whenever an activity in the ordered list automatically completes, removing the  
6           completed activity from the ordered list; and  
7           displaying on the single entry display device only the activity at the top of the list.

1           21.    A method for tracking activities running in parallel in a data processing  
2 system, comprising the steps of:

3           determining if a new activity has started in the system;

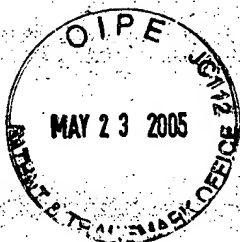
4           if a new activity has started in the system, displaying an identity of the new  
5 activity;

6           determining if any activity running in the system has completed;

7           if an activity has completed, removing that activity from a list of activities to be  
8 displayed;

9           determining if the activity removed from the list is currently displayed; and

10          if the activity to be removed is currently displayed, displaying an activity not  
11 completed that has previously been displayed, wherein only one activity is displayed at a  
12 time.



BEST AVAILABLE COPY

DOCKET NO: 7047-P335US

CLIENT (Ref.): AT9-99-357

ATTY/PRLG KK/AS

Inv/Applicant: Babica et al.

TITLE: Status Display...

☐ New Patent Application:

☐ App'l Data Sheet

☐ Provisional

☐ Prov Cvr Sheet

☐ Utility

☐ CONT

☐ CIP / DIV

☐ CPA / RCE

☐ Plant

☐ Design

☐ PCT

☐ Drawing(s) \_\_\_\_\_ Sheets

☐ Gene Sequence

☐ Computer Readable

☐ Paper Copy

☐ Declaration

☐ Power of Attorney

☐ PCT - Original / Copy

☐ Non-Publication Request

☐ IDS, PTO/SB/08A-B, # Ref:

☐ Assignment - \$ \_\_\_\_\_

☐ Assignment Cvr Sheet

☐ Mailed Via: EXPRESS MAIL No: \_\_\_\_\_

☒ Transmittal Letter

☒ Fee Transmittal

☐ Check(s) - \$ \_\_\_\_\_

☐ Issue Fee ☐ Check - \$ \_\_\_\_\_

☐ Maintenance Fee Transmittal

☐ Check - \$ \_\_\_\_\_

☐ PCT Request

☐ PCT Chapter II Demand

☐ PCT Fee Calculation Sheet

☐ APPEAL

☒ APPEAL BRIEF

☐ Petition-Extension of Time - \_\_\_\_\_ Months

☐ PETITION:

☐ FORM

☐ FORM

☐ Response to FORM

☐ Response/Amendment

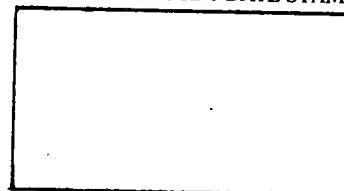
☐ Resp. to Notice: Non-Compliant App'l / Missing Parts / Inv. To Correct Defects

☐ Request for Correction:

☐ OTHER:

App'l/Grant No: 09/389,201

PTO RECEIPT DATE STAMP:



☐ REPLY BRIEF

☐ Check - \$ \_\_\_\_\_

DUE: 5-22-05

MAILED: 5-19-05

OR ☒ Certificate of Mailing